

BETTING LAW TEST MONDAY

ARGUMENT THEN ON THE ARREST OF MELVILLE COLLINS.

Writ of Habeas Corpus Granted After He Is Held for Trial in the Coney Island Police Court—Grand Jury in Kings May Investigate Race-track Business.

A new development in the fight of the race-track interests to find out just where they stand and what they can do under the anti-betting bills came yesterday when a man arrested on Friday at Sheepshead Bay was brought into the Supreme Court on a writ of habeas corpus.

The man was Melville Collins, who was charged with having taken an oral bet from John Rawls and having paid over the bet as soon as it was won. Collins was arrested by one of the Pinkerton force at the race-track. He was represented by Capt. Barry of the firm of Davies, Stone & Auerbach, counsel for the Jockey Club.

Collins was arraigned yesterday morning in the Coney Island police court before Magistrate Geismar, who adjourned the case at once to June 22 and fixed bail at \$500. No one was present from the District Attorney's office to look after the prosecution but acting District Attorney Elder of Kings county, who said later in the day that the case would be prosecuted, as it was deemed important.

No bail was offered for Collins and he was taken promptly to the Raymond street jail in Brooklyn. Immediately thereafter Capt. Barry appeared to Justice Bischoff of the Supreme Court in Manhattan for a writ of habeas corpus for Collins and the Justice granted the writ, commanding Sheriff Hobley of Kings to bring Collins before him in Special Term, Part II, forthwith.

Sheriff Hobley arrived with the prisoner before noon, and as in the case at the Coney Island court there was no representative of the District Attorney's office either of Kings county or New York county present. Capt. Barry said that it was not desired to proceed with the matter in the absence of representatives of the District Attorney's office and that he would be happy to have the District Attorneys of both counties present or represented at the hearing of the writ.

Justice Bischoff thereupon put the hearing over until Monday and let it be understood that at that time should a further adjournment be desired it would be granted.

The chief question to be decided by the Court according to Capt. Barry is whether in oral bet accompanied by the payment of money is a violation of the new law. It is in this point that Acting District Attorney Elder of Brooklyn finds the importance of the case. For should the decision declare that such practice was not in violation of the law, the way would be opened for plenty of betting at the tracks.

There was a well defined rumor purporting to come from informed circles in Brooklyn yesterday that the June Grand Jury of Kings county, which still has a week to sit, will begin an investigation of the whole race-track business to-morrow. According to this report the Grand Jury will not merely look into the subject of gambling at the tracks but will inquire into the whole conduct of the business of running the tracks.

Mr. Elder would neither confirm nor deny the report, when his attention was called to it. He did say that he considered the Collins case of high importance and that it would be pushed to the end to the best power of his office. "In framing indictments on gambling charges," he said, "we have always gone on the theory that an oral agreement to bet became a wager just as soon as the bet was consummated by the payment of the money. And if that is not the construction that is put upon the law I shall be very much surprised. It is in this light that the case of Collins becomes of so much importance. And whether it is framed up as a test case or not the case will surely be prosecuted."

Justice Bischoff's restraining order of Friday Mr. Elder could not see as really hampering the work of the police at the tracks at all, except as it prevented them from interfering with orderly persons of the tracks in groups which were not violating the law in any way.

The police could not break up groups indiscriminately, but even under the order they had the right to watch groups which they thought were violating the law, and their right was clear under the charter to enter race-tracks, and to prevent violations of the law, including the right to break up groups where there was a tendency toward a breach of the peace. As he understood the order it was clearly left to the discretion of the police to say whether they thought the law was being violated in a group of persons whom they thought it their duty to watch.

Joseph Louwey and Philip Donahue, who were arrested at the track on Friday charged with violating the anti-betting law, were held by Magistrate Geismar under \$500 bail for examination June 22.

Deputy Police Commissioner Baker called upon Corporation Counsel Pendleton yesterday for advice as to the course the Police Department should follow in view of the temporary injunction obtained by the Coney Island Jockey Club restraining the police from interfering with the law abiding patrons of the Sheepshead Bay track and from trespassing on the property by the police.

The order is returnable on Monday, and Mr. Pendleton told Deputy Commissioner Baker that until then there was no alternative but to obey it. Mr. Pendleton added that it was within the power of the police to make arrests of persons against whom proof of having made bets could be obtained, but that beyond this the police could not interfere with the management of the track. Mr. Pendleton will represent the city to-morrow in the court proceedings.

Gov. Hughes continues to keep in close touch with the situation as regards the observance of the anti-betting laws, and he has talked over the telephone with Acting District Attorney Elder on the subject.

LAWYERS' SALARIES RAISED

By Corporation Counsel Pendleton in a Reclassification.

For some time past Corporation Counsel Pendleton has been at work on a scheme for the reorganization of his staff. Under the old state of things there was no regular classification of the men under him, there was no regularity in the salaries paid and in several cases law clerks were getting more pay than assistants of the Corporation Counsel. By the rearrangement made by Mr. Pendleton assistants will now receive from \$3,000 to \$12,000 a year, deputy assistants from \$2,500 to \$8,500, junior assistants from \$1,500 to \$2,100 and law clerks from \$1,050 to \$1,350. Under this new scheme nearly all of the assistants will receive increased salaries, one of these being First Assistant Corporation Counsel Theodore Connolly, whose pay has been raised from \$10,000 to the maximum of \$12,000.

WIDENING LIVINGSTON STREET.

City at Large Must Pay for the Brooklyn Improvement.

The Appellate Division of the Supreme Court in Brooklyn has handed down a unanimous decision sustaining the Travis-Murphy bill, passed in 1907, which placed the entire cost of the widening of Livingston street on the city at large.

The city confirmed the assessment for the improvement to the abutting property owners and took an appeal from the decision of Justice Carr, who held that the cost should be on the city. As there is to be no appeal from the Appellate Division, the City of Brooklyn will be forced to pay the entire cost of the widening of Livingston street on the city at large.

More than \$500,000 was involved in the controversy.

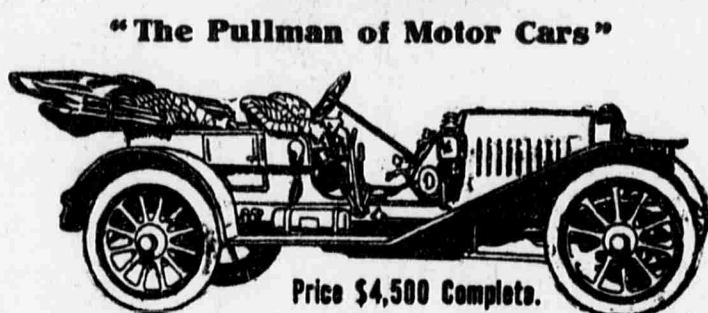
FOR IMMEDIATE DELIVERY

One 7-passenger touring car and one Limousine.

FOR DELIVERY NEXT WEEK

One Baby Tonneau.

Model **Rainier** Model
D 50 H. P. D 50 H. P.



The Rainier Roadster With Baby Tonneau.

A product of the new Rainier factory that calls for special attention. The standard Rainier 50 horse power engine mounted in a special roadster chassis; motor set back of front axle; greatly inclined steering post; very short side levers; equipped with light, graceful baby tonneau or any style runabout body. A racy, handsome, clean-cut machine—good for 65 miles an hour, or better; beautiful in design and of comfort to passengers.

Free of Repairs for One Year.

Make and break ignition with new method of application avoiding ALL complicated mechanism. Extra long and wide, flat spring rear platform suspension; selective type transmission with ball bearings; multiple disc clutch, nickel steel throughout; drop frame, 36 inch wheels. Demonstration trips at your convenience.

Cars of other makes taken in trade at reasonable allowances.

Broadway and 56th St.,
New York.

Factory:
Saginaw, Michigan.

THE FURNITURE OF OLD FASHIONED YESTERDAY

In the very essence of its simple character reveals that touch of culture and refinement so often lacking in the furniture of today. This sentiment finds its reflection in a number of beautiful groups for the Dining Room, Bedroom, Hall and Library.

Grand Rapids Furniture Company

(Incorporated)

34 and 36 West 32d Street
Between Broadway and Fifth Avenue

ARREST OF TAMMANY CLERK.

Charge of Perjury Based on Griswold's Testimony in Mayor's Investigation.

Charles Griswold of 100 West 106th street, a bookkeeper in the Bureau of Sewers, was arrested yesterday morning by Detective Fitzsimmons of the District Attorney's office charged with committing perjury before the Commissioner of Accounts. He was held at the Tombs court in \$2,500 bail for examination to-morrow.

In the recent investigation by the Mayor into the Fire Department Eugene Shepard testified that on April 8 he met Griswold in the New Bingham Hotel, Philadelphia, and represented himself as Mr. Shafer, a contractor who wanted to sell automobiles to the Fire Department; further that Griswold said:

"Mr. Shafer, if I enter into any agreement with you my leader will help you and I always give him three-quarters and keep one-quarter."

Claude A. Wanzor swore that he was hiding in a closet and heard Griswold say this.

An examination on April 27 before Commissioner Mitchell Griswold denied having made any such statement, and it is because of this denial that he was arrested. When asked what he was doing in Philadelphia, Griswold says that he went to Philadelphia to discover "what the game was," but that he entered into no negotiations and later wrote to "Shafer" that he could be of no assistance to him.

The weather.

The pressure was diminishing along the Atlantic coast yesterday in front of the advancing low pressure area which was moving eastward over the Lake region attended by thunderstorms.

Fine conditions for the wheat and corn regions continued. It was warmer in the middle Atlantic and New England States and in the lower Mississippi Valley and Southwest.

Southerly winds from fresh to brisk and at times squally prevailed on the coast.

In this city the day opened fair and warm. Maximum official temperature, 87 degrees; average 81.5; minimum, 68 per cent. wind, fresh to brisk velocity; barometer, corrected to sea level, at 8 A. M., 30.04; 8 P. M., 29.98.

The temperature yesterday, as recorded by the official thermometer, is shown in the annexed table:

1908. 1907.
9 A. M. 80° 81° 8 P. M. 78° 79°
12 M. 82° 83° 3 P. M. 81° 82°
5 P. M. 80° 81° 10 P. M. 79° 80°

Highest temperature, 87°, at 3 P. M.

WASHINGTON FORECAST FOR TO-DAY AND TO-MORROW

For New England, eastern New York, eastern Pennsylvania, New Jersey, Delaware, Maryland, the District of Columbia and Virginia, continued warm and generally fair to-day and to-morrow; light winds, mostly southeasterly.

For western New York, fair and warmer to-day and to-morrow; light to fresh winds, becoming southerly.

For western Pennsylvania and Ohio, fair and continued warm to-day and to-morrow; light to fresh southerly winds.

POLICE LIEUTENANT STABBED

And His Brother Shot by Italians Who Imagined Their Provocation.

Lieut. John J. Gallagher of the Brooklyn detective bureau went to the Pennsylvania Railroad Annex at the foot of Fulton street, Brooklyn, last night to meet his brother Tom, who is studying for the priesthood in Baltimore. The brothers went to 88 Raymond street, where Edward, another brother, keeps a smithy. The men talked for an hour and then John and his brother Tom started for home at 115 North Elliott place.

At the corner of Navy and Willoughby streets Lieut. Gallagher saw a crowd of men standing over the body of a prostrate man and went over to see what was wrong. He found that the man was merely intoxicated and lifted him to a sitting position.

The crowd, which was composed of Italians, remonstrated and one man made a threatening motion toward the Lieutenant.

He got to his feet and then the Italian fired at him, the bullet hitting his brother Edward, who had come from his shop to see what was wrong. The bullet caught Edward in the thigh, and when the other two brothers were bending over him to see how badly he was hurt another Italian stabbed Lieut. Gallagher in the back.

The reserves from the Adams street precinct were turned out when the shooting was heard and soon cleaned away the crowd and kept at the Italian quarter all last night.

Patricio Stanzani of 34 Flushing avenue was arrested charged with doing the shooting, and Ernest Ganza of 178 Navy street was charged with the stabbing.

Neither of the Gallagher brothers was seriously hurt, although it was said at the Brooklyn Hospital, where the men were taken, that it would be some time before they would be out of bed.

DOCTOR-LAWYER BALL GAME.

With a Clerical Umpire to Help a Hospital Building Fund.

TARRYTOWN, June 20.—Only \$3,000 is lacking to secure the \$25,000 gift from John D. Rockefeller for the local hospital building fund and a baseball game between the doctors and lawyers was played to-day to raise the amount desired. Besides the baseball game there were cake and lemonade for sale. John D. Archbold paid \$80 for a cake and a cake made by Mrs. Leslie Carter, who is living here for the summer, was raffled.

At the ball game the lawyers appeared in jeans and large straw hats and the doctors in white duck suits. The lawyers won, 23 to 8. Frank V. Millard, Surrogate of the county, made the only home run. The umpires were the Rev. Edwin W. Husted and A. F. Mahon. Their decisions were never disputed.

Herald
Square

Saks & Company

Broadway
at 34th St.

Announce, Beginning Monday, June 22d.

The Following Very Extraordinary Sale of Outer-Apparel for Women

Representing the most emphatic price reductions throughout the department.

Taffeta, Pongee, Satin & Foulard Dresses

Formerly 18.50 to 22.50, at 9.75
" 25.00 to 27.50, at 13.50
" 29.50 to 40.00, at 19.75
" 45.00 to 55.00, at 25.00

Swiss, Linen & Batiste Lingerie Dresses

Formerly 9.50 to 12.50, at 5.75
" 15.00 to 18.50, at 9.75
" 29.50 to 39.00, at 19.00
" 45.00 to 55.00, at 26.00

Tailored Cloth Suits

Formerly 25.00 to 29.50, at 14.00
" 35.00 to 39.50, at 19.00
" 45.00 to 58.00, at 24.00

Imported Lace Braid Coats

Formerly 16.50 to 19.50, at 9.00
" 22.50 to 29.00, at 14.00

Attention is also invited to the following, on which very special prices have been made:

Washable Linen and Repp Skirts

New open front model,

3.95, 4.90 & 6.50

Full-Length Pongee Coats

Formerly 24.50, at 16.50
" 27.50, at 18.50

Tailored Summer Suits

Imported washable repps in assorted colors.

Formerly 10.00, at 5.90
" 16.50, at 8.75

Princess Taffeta Slips

Formerly 10.50, at 5.90

Imported Broadcloth Capes

in black and pastel shades.

Formerly 25.00, at 14.00
" 29.50, at 19.75

Ready-to-wear Riding Habits

Divided cross-saddle or side-saddle skirts in washable linen crash or military khaki cloth,

9.50 & 12.50

Extraordinary Sale of Handsome Waists for Women

At Half Prices

A beautiful assortment of fresh and perfect Waists and Blouses at half the prices we regularly ask.

Waists of batiste or sheer lawn; tailored or fancy trimmed models Value 2.00 } 98c

Waists of sheer batiste or lawn, in a variety of pretty styles. Value 4.00 } 1.98

Waists of French batiste or embroidered Swisses, in a number of attractive styles. Value 6.00 } 2.98

Blouses of French batiste, elaborately designed with yoke of lace medallions and hand embroidery. Value 8.00 } 3.98

In Addition to the Above

Net and Lace Blouses

in ecru or white, at the following attractive reductions:

2.98 3.98 4.98 5.98
Value 4.98 Value 5.98 Value 6.98 Value 7.50

June Sale of Ribbons

Presenting shades, weaves, designs and qualities so very desirable as to make the items quoted

the greatest Ribbon values of the year.

Fancy warp, print Ribbons on light grounds, with pink, blue, Nile, maize or white edges and sprays or wreaths of roses; 5½ to 6 inches wide. Value 50c to 55c the yd. Special at 29c

Fancy Moire and Taffeta, 5½ in. wide, in light shades, together with white or black. Value 50c to 55c the yd. Special at 29c

Fancy Dresden, 6½ to 7 in. wide, in light blue, pink; also white with blue, pink, maize; Nile or white satin edges. Value 75c to 85c the yd. Special at 39c

Taffeta and Moire Sash Ribbon, 8 in. wide, in all light colors, together with white or black. Value \$1.00 the yd. Special at 49c

Lustrous Taffeta Ribbon in a complete range of colors, including black and white; 5½ in. wide. Value 35c the yd. Special at 19c

Beginning Monday, June 22

Extraordinary Sale of 5.00 Tan Low Shoes for Women

1,200 pairs selected from our regular stock.

Every pair a new Spring model.

Tan Russia calfskin Pumps, Oxford Ties, Ribbon Ties or Buckle Colonials—all made on the new and popular short fore-part last.

We will also offer on Monday

Broken assortments of \$3.00 and \$3.50

Low shoes for Women, at 1.95

of white Canvas, patent leather or kid-skin, in Christy, Oxford or Pump models.

ROOSEVELT TO GRAFT HUNTERS.

Look at My Troubles and Cheer Up, He Tells San Francisco Reformers.

SAN FRANCISCO, June 20.—President Roosevelt has found time in the midst of his other activities to send a few words of encouragement to the men who are engaged in the work of prosecuting municipal grafters here. In a letter addressed to Rudolph Spreckels, under date of June 8, which is published in a local newspaper this morning, the President urges that the fight be kept up and says that the opposition which the graft prosecution is meeting is "the experience of all of us who are engaged in this fight."

The letter says in part:

"Mr. Dean Mr. Spreckels: Now and then you and Mr. Hensley and the others who are associated with you must feel downhearted when you see men guilty of atrocious crimes who for some cause or other succeed in escaping punishment, and especially when you see men of wealth, of high business and, in a sense, of high social standing banded together against you."

"My dear sir, I want you to feel that your experience is simply the experience of all of us who are engaged in this fight. There is no form of slander and wicked falsehood which will not as a matter of course be employed against all men engaged in such a struggle."

"But it is of small consequence to any of us who are engaged in this work whether men think well or ill of us personally; it is of very great consequence that we should do the work without flinching and without losing our good humor and common sense, without becoming angered or losing our heads."

"It is just as bad to be ruled by a plutocracy as by a mob. It is profoundly un-American and in a social sense profoundly immoral to stand for or against a given man not because he is or is not a brave, upright and able man but because he does or does not belong to a labor union or does or does not represent the big business interests."

"In their essence down at the foundation of things the ties that are all important are those that knit honest men, brave men, square dealing men together, and it is a mighty poor substitute if we replace these ties by those that bind men together, whether they are good or bad, simply because they follow a particular business, have a given social standing or belong to a particular organization."

"You have heart breaking difficulties with which to contend. You have to fight not only the banded powers of evil but, alas! that it should be said, the supineness and indifference of many good men whose zealous support you had a right to feel that you could rely upon. Do not be discouraged; don't flinch. You are in a fight for plain decency, for the plain democracy of the people, who believe in honesty and in fair dealing as between man and man. Do not become disheartened. Keep up the fight. Very sincerely yours,

"THEODORE ROOSEVELT."

Harvard Entrance Examinations.

Dr. Benjamin Rand of the Harvard philosophical department arrived in the city yesterday afternoon to conduct the entrance examinations to Harvard University. All candidates are expected to assemble at 8 o'clock to-morrow morning at the Harvard Club, 37 West Forty-fourth street, for the purpose of registration. The examinations will continue throughout the week.

Our New Light Beer

PILSENER STYLE

brewed from specially prepared malt and finest Saazer hops, is ready for delivery.

For the present sold in bottles only; \$1.50 a box of 24 bottles.

A trial will show you what the art of brewing in the U. S. can produce from exquisite materials.

PIEL BROS.

East New York Brewery, Brooklyn, N. Y.

JACOB RUPPERT'S

LAGER BEER

BOTTLED AT THE BREWERY

Advertisements for The Sun and The Evening Sun may be left at any American District Messenger office in the city.